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PATENT 08-31-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 JUL 20 AM 10:43

Application of:

THOMAS TIEDEMANN and
OTFRIED SCHWARZKOPF

Application No. 10/049,690

Filed: June 18, 2002

Group Art Unit: 3746

Examiner: Han L. Lui

AXIAL PISTON DRIVE WITH A
CONTINUOUSLY ADJUSTABLE
PISTON STROKE

CERTIFICATE OF MAILING

I hereby certify that this
correspondence is being deposited
with the United States Postal Service
with sufficient postage as first class
mail in an envelope addressed to:
Director of the United States Patent and
Trademark Office, P.O. Box 1450,
Alexandria, VA 22313-1450 this 16th day
of July, 2004.


Marlene Kubiak

07/16/2004

Date

REQUEST FOR REFUND

Mail Stop 16

Director of the United States Patent and Trademark Office

P.O. Box 1450

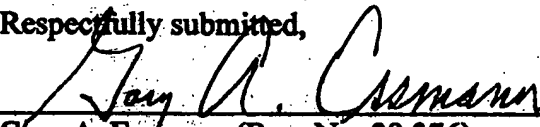
Alexandria, VA 22313-1450

Sir:

Attached is a copy of a decision on applicants' Petition to Revive the above-identified unintentionally abandoned application. A Petition to Revive and Amendment was forwarded to the United States Patent and Trademark Office on June 7, 2004.

In accordance with the decision on applicants' Petition to Revive (copy enclosed), this is a request for a refund of the \$2,010.00 extension of time fee submitted with the Petition.

Respectfully submitted,


Gary A. Essmann (Reg. No. 29,376)

Andrus, Scales, Starke & Sawall, LLP

100 East Wisconsin Avenue, Suite 1100

Milwaukee, WI 53202

414-271-7590

Atty. Docket No: 825-00161



UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 11

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JUN 23 2004

OFFICE OF PETITIONS

In re Application of
Thomas Tiedeann et al
Application No. 049,690
Filed: June 18, 2002
Attorney Doc. No. 825-161

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner the non-final Office action mailed August 27, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provision of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 28, 2003.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137 was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$2,010.00 extension of time submitted with the petition on June 10, 2004 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to: Mail Stop 16, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.